

tenure were those who had been in favor of the appointment of the judges, and after having given up that point, now contended for the long term.

Gentlemen spoke of judges who prostituted their office for partisan purposes, but, although the people might make a bad selection, yet in case of an obnoxious judge, if the tenure was only for a term of years, they could get rid of him after a short time, but under the system as reported by the committee, they would have to submit to him during his life. Take the case of Judge Underwood, in Virginia, who holds his office for life. Would not the people of Virginia be glad if they had the privilege of voting him out? These very judges of whom gentlemen speak, it was proposed to place them before the people to pass upon. He thought that being subject to the popular sentiment acted as a very wholesome check on judges. The life-tenure policy, which had been imported from England, was not suited to our system, nor our institutions in the least. He doubted not that the fact of being within the reach of the influence of the popular sentiment had a great effect on the judges. The whole community was watching their decisions, and the slightest deviation from impartiality was instantly detected and condemned. The judges who now were the subject of public censure were the ones who had made partisan decisions.

As to the objection to retiring all judges after reaching the age of seventy years, it was generally the case that even if mentally able, a judge was not physically able to perform the duties required after reaching seventy years. There were cases where men retained all their faculties and vigor beyond this age, and he did admit that it seemed hard to turn men out under such circumstances; but private interests must subserve to the public necessity, and the services of such a judge had better be lost than endanger the rights of the citizens and of property by the retention of incompetent judges. The life, liberties and property of the people should never be endangered by being placed in the control of a man mentally or physically incompetent.

Mr. Farnandis would say with his colleague (Mr. Archer) that he was unwilling to try experiments. One thing was certain, the evils of today press upon us, but time throws